

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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ROBERT SUTTON,

Plaintiff,

vs.

COMMISSIONER SOCIAL SECURITY,

Defendant.

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CASE NO. 1:17-cv-233

OPINION AND ORDER  
[Resolving Doc. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On February 5, 2017, Plaintiff Robert Sutton filed a complaint seeking judicial review of the Defendant Commissioner of Social Security’s decision to deny his applications for a period of disability, Disability Insurance Benefits, and Supplemental Security Income.<sup>1</sup> The Court referred the matter to Magistrate Judge Jonathan D. Greenberg.

On December 8, 2017, Magistrate Judge Greenberg issued a Report and Recommendation (“R&R”) recommending that this Court vacate the Commissioner’s final decision and remand the case for further proceedings.<sup>2</sup> On December 15, the Commissioner notified the Court that it does not intend to object to the R&R.<sup>3</sup>

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of an R&R to which the parties have made an objection.<sup>4</sup> Failure to timely object waives a party’s right to appeal the magistrate’s report.<sup>5</sup> So, where a party does not object to the R&R, a district court may adopt it without review.<sup>6</sup>

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<sup>1</sup> Doc. [1](#).

<sup>2</sup> Doc. [14](#).

<sup>3</sup> Doc. [15](#).

<sup>4</sup> 28 U.S.C. § 636(b)(1)(C).

<sup>5</sup> *Thomas v. Arn*, 474 U.S. 140, 145 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

<sup>6</sup> *See Thomas*, 474 U.S. at 149–50.

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Accordingly, in light of the Commissioner's decision not to object to the R&R in this case, the Court **ADOPTS** Magistrate Judge Greenberg's R&R, incorporates it as if fully restated herein, **VACATES** the Commissioner's final decision, and **REMANDS** the case for further proceedings consistent with Magistrate Judge Greenberg's R&R.

IT IS SO ORDERED.

Dated: December 22, 2017

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE